

United States District Court

EASTERN

FILED

NEW YORK

U.S. DISTRICT COURT, E.D.N.Y.

UNITED STATES OF AMERICA

v.

★ DEC 13 2005 ★

ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT TO
BROOKLYN OFFICE BAIL REFORM ACT

Joseph Presta

Defendant

Case Number: 65cr842 (ARR)

Upon motion of the Def., it is ORDERED that a
 detention hearing is set for 12/14/05 * at 12 PM
 before Mag. Levy
 Name of Judicial Officer

BROOKLYN, NEW YORK
 Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal) ()

) and produced for the hearing.

Other Custodial Official

12/14/05
 Date

s/Robert Levy
 Judicial Officer

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.